

Superfund, TRI, EPCRA, RMP & Oil Information Center Monthly Report

August 2006

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Availability

The complete text of the 1991 (November and December only), and 1992 through 2008 Monthly Reports may be accessed from the Internet at www.epa.gov/superfund/contacts/infocenter.

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Questions and Answers

TRI

Q: If a facility exceeds an activity threshold for both the parent metal and the metal compounds category for the same metal, can that facility file both chemicals on one EPCRA §313 Form R report?

A: Only elemental metals without a chemical qualifier can be reported with their associated metal category compound on a combined Form R report. Elemental metals with qualifiers that are only reportable if they are manufactured, processed, or otherwise used in a specific form(s) cannot be reported with their associated metal compound category on the same Form R. For example, a facility that exceeds an activity threshold for both zinc (fume or dust) and zinc compounds must not report both zinc (fume or dust) and zinc compounds on the same Form R.

Q: A company incorporates a material comprised of copper granules as a UV light, weather, and hazard protectant into roofing products, such as asphalt shingles. The copper granules are produced by milling and sorting bulk copper slag down to particle size ratios prescribed by the American Society for Testing and Materials (ASTM) to enhance the protection of the roofing product. Are the copper granules eligible for the articles exemption under EPCRA §313?

A: In order for an item to qualify for the articles exemption, it must be a

manufactured item that is formed to a specific shape or design during manufacture, has end use functions dependent in whole or in part upon its shape or design, and does not release a toxic chemical under normal conditions of processing or otherwise use of the item. Under TRI, particles, including granules, are not eligible for the articles exemption because they are not formed to a specific shape or design during manufacture. Therefore, the facility would need to count the toxic chemicals in the copper granules toward the processing threshold.

Q: A TRI-covered facility welds two metal items together that independently meet the definition of an article as defined in 40 CFR §372.3. No releases occur from the joined metal items themselves, but there may be releases from the welding rods. Would the welding process negate the article status for the two metal items?

A: The article status of the metal items is not negated by the toxic chemical releases from the welding rods. The joined metal parts may be considered articles, and only the welding rods must be considered when making threshold determinations and releases and waste management calculations. However, if more than 0.5 pound of a toxic chemical is released from all like items, the item(s) would not qualify for the articles exemption.

FEDERAL REGISTERS

How to order...

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CERCLA

TITLE: Annual Superfund Report to Congress for Fiscal Year 2005

PUBLICATION DATE: August 2006

EPA ORDER No.: EPA350-R-06-002

AVAILABILITY: Internet

URL:www.epa.gov/oigearth/reports/2006/20060830-EPA-350-R-06-002.pdf

This report covers fiscal year 2005 Superfund-related activities of the EPA Office of Inspector General (OIG). The Superfund Amendments and Reauthorization Act of 1986 requires the OIG to annually audit the Superfund program and report the results to Congress. During fiscal year 2005, EPA conducted an internal review that made recommendations to improve the Superfund program and developed the 120-Day Study Action Plan to outline how it will carry out the recommendations.

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EPA Federal Registers from October 1994 to the present are accessible via the Internet at: www.epa.gov/fedrgstr

FINAL RULES

CERCLA

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”
August 3, 2006 (71 FR 43984)**

EPA published a technical correction to the June 23, 2006 final notice to delete the Motor Wheel, Lansing, Michigan Site from the National Priorities List (NPL) (70 FR 36019). The effective date of this rulemaking is August 3, 2006.

**“Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste (K178)”
August 16, 2006 (71 FR 47106)**

EPA announced adjustments to the 1-pound statutory reportable quantity under CERCLA for 28 individual carbamates, 5 carbamate-related hazardous waste streams, and the inorganic chemical manufacturing process waste K178. The effective date of this rulemaking is September 15, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List; Technical Correction”
August 18, 2006 (71 FR 47747)**

EPA published a technical correction to the October 28, 1998 final notice to delete Operable Unit 2 of the South Andover Salvage Yards Superfund Site from the NPL due to errors that were published in that notice and in the NPL at 40 CFR part 300, Appendix B (63 FR 57608). The effective date of this rulemaking is August 18, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update”
August 21, 2006 (71 FR 48479)**

EPA announced the deletion of the T.H. Agriculture and Nutrition Superfund Site from the NPL. The effective date of this rulemaking is August 21, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update”
August 22, 2006 (71 FR 48799)**

EPA announced the withdrawal of the June 23, 2006 final action to delete the Brio Refining, Inc. Superfund Site from the NPL due to an adverse comment received during the public comment period (71 FR 36015).

PROPOSED RULES**CERCLA****“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”
August 14, 2006 (71 FR 46429)**

EPA announced its intent to delete the Nineteenth Avenue Landfill Superfund Site from the NPL. Comments must be received by September 13, 2006.

NOTICES**CERCLA****“Public Health Assessments Completed April--June 2006”
August 2, 2006 (71 FR 43774)**

EPA announced those sites for which the Agency for Toxic Substances and Disease Registry (ATSDR) has completed public health assessments during the period from April 2006 through June 2006. This list includes sites that are on or proposed for inclusion on the NPL as well as sites for which assessments were prepared in response to requests from the public.

**“Development of Set 20 Toxicological Profiles”
August 2, 2006 (71 FR 43774)**

EPA announced the availability of one new and six updated draft Set 20 Toxicological Profiles of priority hazardous substances prepared by ATSDR. These profiles will be available to the public on or about October 17, 2006.

CROSS-PROGRAM**“Agency Information Collection Activities; OMB Responses”
August 3, 2006 (71 FR 44026)**

This document announced the Office of Management and Budget’s (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). Specifically, Information Collection Request (ICR) Number 0261.15, “Notification of Regulated Waste Activity (Renewal),” was approved on June 6, 2006. This ICR, OMB Control Number 2050-0028, expires June 30, 2009. Additionally, ICR Number 0328.11, “Spill Prevention, Control and Countermeasure (SPCC) Plans (Renewal),” was approved on June 6, 2006. This ICR, OMB Control Number 2050-0021, expires June 30, 2009. ICR Number 2104.02, “Brownfields Programs--Revitalization Grantee Reporting (Renewal),” was approved on July 5, 2006. This ICR, OMB Control Number 2050-0192, expires July 31, 2009. On June 12, 2006, OMB filed comment on ICR Number 0328.12, “Spill Prevention, Control and Countermeasure (SPCC) Plants (Proposed Rule).”

SETTLEMENTS AND CONSENT

“Proposed Settlement; Industrial Chrome Plating Time-Critical Removal Superfund Site”
August 4, 2006 (71 FR 44291)

“Consent Decree; *United States, et al. v. Bean Stuyvesant, LLC, et al.*”
August 10, 2006 (71 FR 45849)

“Consent Decree; *United States, et al. v. Coltec Industries, Inc., et al.*”
August 10, 2006 (71 FR 45849)

“Consent Decree; *United States v. Jamson Laboratories, Inc.*”

- August 10, 2006 (71 [FR](#) 45850)
- “Consent Decree; *United States v. Asarco, Inc.*”
August 16, 2006 (71 [FR](#) 47246)
- “Consent Decree; *United States v. ConocoPhillips Company*”
August 16, 2006 (71 [FR](#) 47247)
- “Consent Decree; *United States v. Midland Refining Company, Inc., Clear Water Trucking Company, Inc., Rosann Harpster, and Lewis W. Williams, Jr.*”
August 18, 2006 (71 [FR](#) 47830)
- “Proposed Settlement; Mercury Refining Superfund Site”
August 23, 2006 (71 [FR](#) 49450)
- “Consent Decree; *United States, et al. v. Macalloy Corp., et al.*”
August 23, 2006 (71 [FR](#) 49474)
- “Consent Decree; *United States v. FMC Corporation, et al.*”
August 23, 2006 (71 [FR](#) 49474)
- “Consent Decree; *United States v. NCH Corporation, et al.*”
August 23, 2006 (71 [FR](#) 49475)
- “Consent Decree; *United States v. University of Miami*”
August 24, 2006 (71 [FR](#) 50084)
- “Proposed Settlement; Gibson Mine Superfund Site”
August 25, 2006 (71 [FR](#) 50384)
- “Proposed Settlement; Peter Cooper Landfill Superfund Site”
August 28, 2006 (71 [FR](#) 50917)
- “Proposed Settlement; Rawleigh Building Superfund Site”
August 28, 2006 (71 [FR](#) 50918)
- “Proposed Settlement; Feldman Barrel and Drum Superfund Site”
August 30, 2006 (71 [FR](#) 51615)
- “Proposed Settlement; Feldman Barrel and Drum Superfund Site”
August 30, 2006 (71 [FR](#) 51615)
- “Consent Decree; *United States v. Mallinckrodt, et al.*”
August 31, 2006 (71 [FR](#) 51851)
- “Consent Decree; *United States v. The Sherwin-Williams Company, et al.*”
August 31, 2006 (71 [FR](#) 51851)